The Pittsburgh Gazette

Vol. XVI. *Friday Evening*, May 21, 1802. No 82

PITTSBURGH: PRINTED BY JOHN SCULL, *IN FRONT-STREET, NEXT DOOR TO THE CORNER OF MARKET-STREET.*

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From the NATIONAL INTELLIGENCER.

The Committee to whom was referred so much of the President's Message, of December 8, as relates to naval scites and naval preparation, made a Report, the conclusion of which is as follows:—

"The Committee find that, prior to the 4th of March, 1801, the sum of 199,030 dollars and 92 cents, have been expended in purchasing Navy-yards, and making improvements upon them, without any law authorising the purchase, or any appropriation of money, either for purchase or improvements."

TO THE PUBLIC.

Georgetown, May 1, 1802.

A committee of Congress, styled, 'the Committee of Investigation,' was appointed early in the present session, for purposes which the resolution for their appointment will best explain. A majority of this committee after consuming nearly five months, in enquiring into the frauds alledged to have been committed by former administrations, have at length, at the close of the session, made a report, when it is too late to vindicate in debate on the floor of Congress, the fair fame of men, who have performed meritorious services for their country, from the foul aspersions contained in their report.

From the chairman of this committee, I received a letter at 3 o'clock on the 27th of April, dated that day, desiring to know by what authority six navy yards had been purchased, while I was secretary of the navy; and observing that my answer must be in writing, and must be delivered to him by 10 o'clock the next morning as the committee would report in the course of the day.—The subject was familiar to me—no time for deliberation was necessary—I answered him the same evening; but as it would be swelling to an unreasonable length, a newspaper address, to insert my answer here, I omit it, contenting myself with the single observation, that I doubted not the explanation it contained, was sufficient to satisfy gentlemen of candid minds, and conversant with public affairs, that not a single navy yard had been purchased, nor a single shilling of money expended on their improvement, without full and ample legal authority.

This letter produced no effect on the majority of the committee—it had been previously determined that the purchase of navy yards should at all events be condemned, and it was urged in vain by gentlemen on the committee, who concurred not with the majority, and whose utmost abhorrence could not fail to be excited by the conduct of that majority, that the letter should at least be suffered to accompany the report to Congress, that the defence might be as public as the accusation.—But this would have been fair proceeding, and it suited not the views of the majority, that the poison it was their purpose to instil into the public mind, should be attended by its antidote, and the letter was suppressed. From this instance of the uncandid course of the majority of this committee, in relation to a person on the spot to answer them, a just estimate may be made of the treatment which former servants of the public, absent, and at a distance from the seat of government, have experienced at their hands.

Fortunately for the free citizens of the United States, a report of a majority of a committee of Congress is not condemnation nor even proof of guilt. No person laments more than I do the too great probability that such reports will soon lose the power of exciting even the slightest suspicion of guilt in the persons they shall accuse.

As far as their power extended, the majority of this committee, have gone, to rob me of that, which is dearer than fortune or life—reputation—in reward, for having at a crisis portentous and alarming, to the neglect and infinite injury of my private concerns, devoted, and most zealously, a small portion of my life to the public service. From their unjust decision, I make my appeal to a tribunal where truth will be heard and will not be suppressed; and where reason and justice will prevail. Before the tribunal of the public, I am as sure of an acquittal the most complete and the most honorable, because my conduct has been right; as I am, that the men, who, to indulge party rancour, have dared to accuse me, will quickly find that public delusion is rapidly on the decline. It is for these men to reflect on the estimation in which their present conduct will be held, when this delusion shall have passed entirely away.

But it is time to attend to the report of the majority of the committee, with their reasons for an unqualified condemnation of the late secretary of the navy.

After quoting the act, directing six 74 gun ships to be built within the United States, and not to be built or *purchased* as they wish to have the act understood; and two other acts, which had no other connection with the building of ships, than of houses—one of them authorising two docks to be erected for the purpose as expressed in the act, of repairing ships, meaning docks, into which ships might enter without unloading, and be left dry at the fall of the tide, or after the water should be pumped out, and be repaired without the expensive operation of heaving down, things totally dissimilar from building yards. And the other, authorising a purchase of timber, not for the use of six 74 gun ships, as these gentlemen certainly meant to imply, if they understood their own meaning; but, as expressly stated in the act itself, to be preserved for the future use of the navy, (all the acts were passed in February '99)—I say, after quoting these several acts, these gentlemen proceed, 'under this authority only (meaning the three acts) the then secretary of the navy, expended the sum of 125,846 dollars in the purchase of six navy yards. For this expenditure the committee conceive that *no authority was given by law, nor any appropriation* made, except for the two docks above mentioned, as the sum of 1,000,000 of dollars, was appropriated by the act of '99 for builing or *purchasing* the ships only—and the sum of two hundred thousand dollars for the purchase of timber, as public ships of war, had been before built under a similar authority for the use of the United States, at private yards; and as Congress did, at the same time that they authorised the building, or *purchasing* the ships, provide for the erection of two docks only, the committee are of opinion that four of the navy yards, were *purchased without authority and the money misapplied which was paid for them.*'

The then secretary of the navy informs these sagacious gentlemen, the majority of the committee, that it never was contended or imagined, that the acts for procuring timber for future use, and for erecting docks, conferred any power to buy or even to hire building yards, or as they are more frequently called, navy yards—the whole power to buy such yards, was communicated by the single act, directing that six 74 gun ships should be built within the United States, not *built or purchased* as they represent the act—If this act did not confer the power to purchase the yards, then the purchase was made without the authority of law, and the report of the majority of the committee, tho' malignant is correct.

The short question then before the public is, did this act confer the power to purchase yards?

I will not labour to establish a self-evident position. Is there a man of common reason in the United States, who will believe that an act of Congress directing a thing to be done by the executive, and appropriating money for doing it, does not confer on the executive full and ample legal authority, not only to do the thing itself, but to do every thing incidental to it—every thing without which the thing directed by the act, could not be performed? In the present instance, an act had passed, directing that 74 gun ships should be built—There was not a stick of timber, nor an article of any kind in the public arsenals, necessary to be employed in their building—they could not be built without the necessary materials—the act, then, intended to confer, and did confer, complete power to procure the materials. So of yards, in which to build the ships—there was not one yard in the United States, public or private, fit for building ships of such a size—it was essential that such yards should be procured; and the act intended to give, and did give, full power to procure them:—and to procure them by hire, or by purchase, as should best comport with the public interest: the argument of the committee, that it would have been legal to hire, and was not legal to purchase, because under the preceding administrations, yards had been hired and had not been purchased, is really too puerile to merit serious refutation, and I am not disposed to trifle with the public.—So much for the legality of the purchase of navy yards—and as the majority of the committee have attacked the measure on the ground of its legality only: I might here close my address, but it may be proper to add some remarks to shew, that the measure of buying yards was economical as well as legal.

I know not how many years have elapsed, since Congress authorised the building of three frigates. At that time, the business of building ships of war of large size, was new in this country; and it is not surprising that great errors were committed in making the arrangements for building these ships. One very great error, and for which the public have severely paid, was, hiring, instead of buying ground to build them upon. After hiring the ground, it was found indispensible that wharves and other improvements should be made on the ground so hired, and at public expence.—But the evil did not stop here, for the yards were too contracted, as all private yards are, to admit of such distribution of the enormous quantities of timber, required for large ships, as to enable the workmen to get at the pieces hourly wanted in the progression of the ships; hence it became necessary to employ great numbers of labourers merely for the purpose of removing timber. I have not such accurate knowledge of the expence incurred in the improvements made on private property and useless to the public when the ships were finished, and in the employment of laborers whose services under a different system, might have been dispensed with, as to pretend to exactness in stating the sum—but I have no hesitation in averring that it exceeded the whole cost of the six navy yards, purchased by me.

With a full knowledge of these facts before me, would it have been a proper discharge of duty to have fallen into the same error? would it not have been a shameful sacrifice of the public interest, a wanton waste of the public money? It is my pride that the error was avoided, and that such a course was pursued, as will restore to the public, a large portion of the money expended on the yards, should a measure so pregnant with folly and madness be resorted to as a sale of them.

BEN. STODDERT.

From the Washington Federalist.

The Democrats affect a great triumph, at the report of the committee of investigation, as it is commonly called.—How far that report justifies such a triumph, time will decide. Their conduct is full evidence of one thing, that they are much more anxious, to find out causes of complaint against their political opponents, than to advance the interest and increase the happiness of the country. The federalists do not fear to meet that report; it was their wish to have done it on the floor of Congress; but this would have frustrated the views of these wily demagogues. Their ignorance, partiality and misrepresentations; their attempts to injure the well earned fame, the unspotted characters of some of the greatest men which our country can boast, would there have been exposed with becoming dignity and spirit. To avoid this, they have delayed the report till the house was on the eve of dissolution; and it was then presented that it might be made the foundation of a new clamor against the late administration.

About to retire in disgrace from their congressional labors, having entirely failed in fulfilling those numerous and magnificent promises, which they had so often made, and having alarmed the people by their wild and destructive measures; this report is brought forward to cover their retreat, and draw off the attention of the people from their own blunders and misconduct, by endeavoring to cast an odium upon their predecessors. It may produce a momentary effect among those who have not leisure or opportunity for full investigation. This effect will be but momentary, when it will recoil with ten fold force upon their own heads.

As a specimen of the candor and liberality of a majority of the committee, we refer our readers to Mr. Soddert's letter; that part of the report to which it alludes requires no other comment. The letter is as clear and intelligible to the understanding of any man who will read, and comes with as compleat conviction, as the simple statement of two and two make four. The whole of the charges may be explained with equal satisfaction; but it will require some little time to collect the necessary information.

To suppose that any permanent effect can be produced, any lasting impression can be made on the people of the United States, by such conduct, is to suppose them destitute of every generous, every noble feeling. The citizens of America cannot behold with approbation, the conduct of those, who, forgetting the high and important station of Representatives of the people, can condescend to employ their time, and use their privilege, in searching the record of long, arduous and faithful services, for every trifling deviation from the strict rules of law.

The adherents of the old school have long been marked as objects of vengeance, for not bowing the knee to Baal; we trust however, they will come out of this new political furnace uninjured; and that those who have endeavored to cast them into it, will perish in the attempt.

From the Recorder, printed at Richmond and edited by James T. Callender.

MR. BAYARD.

Another important occasion of honest forbearance by Mr. Bayard may be recorded also.

Shortly before the administration of Mr. Adams ended, Mr. Bayard was recommended by him as ambassador to France, senate approved; so that Mr. Bayard might have immediately drawn from the treasury, 18000 dollars for one year's salary and outfit, instead of this, he did nothing until Mr. Jefferson took the helm. Mr. Bayard then discovered that the appointments would not be continued by Mr. Jefferson; and he with great propriety and honesty permitted the money to remain in the treasury.

Thus it appears that the treasury of the United States is richer by 32'000 dollars, than it would have been, if Mr. Pickering and Mr. Bayard had used to their own advantage the benefit which the law did allow.* So that it appears that some of the most leading federal characters are not only much better than they have been represented, but have acted with a degee of honor which deserves public notice and applause.

* *Mr. P. gained* 14,000 *dollars in the purchace of Bills of Exchange on Holland which he might have retained as his own.*

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The editor might have gone on to state the fact, that the present administration has more than *three millions* of dollars now in the treasury and the whole of which was raised by the last administration:

That the last administration, at great expense reared a navy to defend our commerce and to avoid the disgrace of paying the tribute demanded by a *sister republic*. Part of that navy the present administration found prepared to be employed in the Mediterranean, but the greater part has been sold and the money put into the hands of our present rulers.

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JAMES BERTHOUD,

WATER STREET,
Near HENDERSON'S FERRY,
Has just received, and for sale, *Wholesale* and *Retail*, a general assortment of

DRY GOODS,

such as

FINE and coarse muslins of every kind
Chintzes
Silks
Coloured crapes
Silk and muslin shawls
Silk and cotton flockings
Silk ribbons
Hair ditto
Marseilles
Dimities
Durants and Calimancoes
Ginghams
Cassimers
German, French, and Irish linen
Bed ticking
Striped nankeens
Flannels
Checks
Diaper, &c. &c.

ALSO,
Silver Watches, Hardware and Groceries.

Pittsburgh, July 23, 1801. tf.

GLASS,

A FEW *Boxes and Half Boxes of 8 by 10, for Sale. Also, a handsome assortment of*
Dry Goods and Groceries,
on very low terms, as usual, by
Jeremiah Barker & Co.

Pittsburgh, August 5, 1801.
N. B. They still continue to keep an elegant assortment of MILL and CROSS CUT SAWS of the best quality.

M'Kee's Port Races,

WILL commence on the 2nd of September, over a course of three miles and repeat, for a Purse of *Sixty Dollars*, free for any Horse, Mare, or Gelding, each to ride catches.

On the 23d, a Purse of *Forty Dollars* will be run for over a course of two miles and repeat, free as above, &c.

On the 24th, a *Sweepstake* will be run for over a course of one and an half mile and repeat, free as above, &c.

It is to be observed, that the horse winning the first day will be precluded from running the second day, and the horses winning the first and second days, will be precluded from running for the Sweepstake.

The horses to be entered with *Alexander Sinnall*, of said place. The entrance money to be Four Dollars for each horse.

N. B. Four Horses must be entered on the first day, and three for the second and third and to start precisely at 10 o'clock, A. M. each day.

Allegheny county, August 12, 1801.

Three Dollars Reward.

STRAYED from the subscriber, living on the bank of the Ohio river, two miles from Pittsburgh, a Black MARE, with a white forehead down her face, has a remarkable thick mane, and has no shoes on, has a small bell on with a little piece out of one side. Whoever takes up said Mare and delivers her to the subscriber, shall receive the above reward and reasonable charges.

WIDOW M'CANE.

August 14, 1801.

Stray Hogs.

CAME to the plantation of the subscriber, living on Broadhead's Road, about ten miles from Beaver town, on the 1st of June, seven HOGS, two of them sows, and five shoats, one of them has a bell on, marked with a swallow fork in the right ear, and a slit in the left. The owner is desired to come, prove property, pay charges, and take them away.

SARAH GREEN.

June 3, 1801.

Came to the plantation whereon the subscriber lives, one mile below the mouth of Chartiers creek, a red and white spotted COW, marked with a piece out of one ear—she calved a few days since. The owner is desired to come, prove property, pay charges and take her away.

ADAM KELLAR.

August 8, 1801.

STRAYED *away from the subscribers the 9th July last*, Two Steers and One Heifer, *one of the Steers is about 7 or 8 years old, is lengthy and well made, is a dark red along the sides, and a small white stripe along his back, large spreading horns, and is blind of the off eye. The other Steer is 3 years old, short and weighty made, a light red with white over his rump like a saddle, and the same over his shoulders or neck, good spreading horns, his legs mostly white, no ear mark. The Heifer is 3 years old, a dark red, short horns, the near ear cut in the under side, the off ear crept a little, a small white spot in her face, expected to calve about this time. Whoever takes up said Steers or either of them shall have* One Dollar reward for each and reasonable charges if delivered to John Henry, *in St. Clair township, Allegheny county, 4 miles from Pittsburgh.*

ALEXANDER PHILLIPS,
JAMES MEARS.

August 20, 1801.

TO BE RENTED,

A TAN YARD, *with every suitable convenience for carrying on business. 13 miles from Pittsburgh, near the Monongahela River with or without a good plantation. Possession may be had immediately. Apply to Mr. JOHN REED Tavern keeper, Pittsburgh, or to WILLIAM CARSON, Esq. on the premises.*

May 19, 1801. *tf.*

To the Independent Electors of the Counties of Allegheny, Beaver and Butler.

Fellow Citizens,

ENCOURAGED by my friends, I offer myself a Candidate for the Office of Sheriff at the ensuing Election, and should you think proper to elect me, my best endeavours shall be used to perform the duties of the office with care, punctuality and fidelity.

JACOB CASTLEMAN.

August 20, 1801.

To the Electors of Allegheny, Beaver and Butler Counties.

GENTLEMEN,

ENCOURAGED by my friends, I offer myself a Candidate for SHERIFF at the next Election. Should I, through your suffrages, obtain said Office, it will be my endeavour to perform the duties thereto annexed for the public advantage.

SAMUEL M'CORD.

Pittsburgh, July 17, 1801.

For Sale, at the Printing Office of the Pittsburgh Gazette, (Price, Five Dollars)

READ'S DIGEST

Of all such Acts of Assembly of Pennsylvania, as concern the Commonwealth at large—to which is added, an Appendix, containing a variety of Precedents, (adapted to the several acts) for the use of Justices of the Peace, Sheriffs, Attornies and Conveyancers.

July 16, 1801.

☞ Subscribers may be supplied with their Books.

Wanted, an Apprentice to the

Printing Business, a Lad of about 14 or 15 years of age. Enquire at the Office of the Pittsburgh Gazette.

NEW STORE.

Isaac Gregg,

IS just opening, in one of the front rooms of *Judge Brackenridge's* buildings, a few doors above Messrs. Barkers Store, a large and handsome assortment of

FRESH GOODS,

which he will dispose of at the most reduced prices; he will be happy in furnishing those of his former customers, and hopes that his conduct in business, will not only merit the approbation of his friends, but that of the public in general.

Pittsburgh, June 4, 1801.

N. B. The highest price will be allowed for all kind of Peltry, also, for Country Linnen, and other articles of Country Produce.

NEW GOODS.

Abner & Jesse Barker,

Have just received and are now opening a large and general assortment of the newest and most fashionable

MERCHANDIZE,

which they offer for Sale by Wholesale or Retail. Having had their Goods in on very low terms, they pledge themselves to their friends and the public in general that they will be sold at very reduced prices for Cash or approved of Country Produce.

They still continue to keep an elegant assortment of Superfine and Common

Boulting Cloths,

warranted good.

Pittsburgh, June 18, 1801.

N. B. Those indebted longer than six months will oblige us by paying off their accounts.

WILLIAM CECIL,

At his House in Liberty Street, near the Market House,

MAKES and sells all kinds of Ladies Buckskin and Plush Saddles, Gentlemens' Plain, Burr, Spring and Plaid Saddles, and Bridles of all descriptions, Saddle bags, Portmanteus, Valeces, Travelling Canteens, Holsters, Light Horse Caps, Fire Buckets, and every thing in the Saddlery line done in the neatest and most fashionable manner, and on the shortest notice. He also makes Mattrasses of the best quality, and on the most reasonable terms.

All kinds of Country Produce will be taken in payment for any of the above articles.

Pittsburgh, March 18, 1801.

The highest prices will be given for Cow Tails, and Horse Hair. Apply as above.

Whereas Nathan Heald and son have erected, or in part erected, a Grist and Saw mill on Little Beaver, near the mouth, in Beaver county, State of Pennsylvania, and they the said Nathan and son purpose compleating the works, and renting or selling the same—The public are hereby notified, that the dam backs the water on my land, injures and in a great measure destroys a valuable mill seat that I wish to improve, and as this was done without my consent, or any one authorised by me to permit it, I caution all persons concerned either as owner or occupier, that a suit will be commenced unless the dam is lowered in such a manner that the stream may pass in its natural bed, and I receive no kind of inconvenience from the backing of the water.

JOHN BEVER.

24th June, 1801.

To the Public.

THE Managers of the Pennsylvania Population Company being informed, that reports are industriously circulated with a view to impress the public mind unfavourably to their title, by stating, that they have not been able to procure patents for their lands west of the Allegheny; think proper, to prevent persons from being imposed on by such reports, to procure and publish the following Notarial Certificate made from actual inspection of the patents deposited in their office in the city of Philadelphia, and to forward the certificate to the Printer hereof, for the examination of those who desire it.

UNITED STATES OF AMERICA.

I, PETER LOHRA, Notary Public for the Commonwealth of Pennsylvania residing in the City of Philadelphia, by lawful authority commissioned and sworn, Do hereby certify and attest unto all whom it doth or may concern. That on the day of the date hereof, I went to the Office of the Pennsylvania Population Company in the said city, and found therein deposited, Eight Hundred and Four several original and genuine Patents, for Eight Hundred and Four several Tracts of Land, surveyed by virtue of warrants issued in pursuance of the Act of Assembly of Pennsylvania, of the third day of April, 1792, to John Field, William Cramond, and James Gibson, in trust for the said Pennsylvania Population Company, the said Lands being north and west of the Ohio and Allegheny rivers, and Conewango creek, in Pennsylvania, and situated as follows, to wit:—Five Hundred and Sixty Four Tracts in District No. 1, late Thomas Reese deputy surveyor's—One Hundred and Eighty Three Tracts in District No. 2, late William Power deputy surveyor's—Thirty Six Tracts in District No. 4. late Thomas Stokeley deputy surveyor's, and Twenty One Tracts in the District late John Hoge deputy surveyor's.

In Testimony whereof I have hereunto set my hand and affixed my Notarial Seal, the eighteenth day of June, 1801.

PETER LOHRA, Notary.

ABOUT THE MIDDLE OF JUNE NEXT

Will be Published,

By JOHN WYETH.

And for Sale at his Printing Office in Harrisburgh, for the Author,

The Second Edition, with considerable improvement and additions, of

PRECEDENTS

In the OFFICE of A

JUSTICE OF THE PEACE.

To which is added
A SHORT SYSTEM OF CONVEYANCING,
In a method entirely new.
WITH AN APPENDIX,
Containing a variety of the most useful Forms
By COLLINSON READ, Esquire.

THOSE *persons who may wish to be supplied with this useful Book, must notify the Printer hereof, as soon as possible, as a considerable part of the impression is already engaged—The price will be One Dollar,*

May 9, 1801.

☞ *Subscriptions received at the Office of the Pittsburgh Gazette.*

A List of Letters remaining in the Post Office at Franklin, July 1st, 1801.

ALEXANDER RANKIN, near Meadville, care of Wm M'Carter; Amis Robbans, Little Sugar creek, the waters of French creek; James M'Cirdy, Richhill township, Green county; James Carr, New Ireland, Crawford county; Sarah Wilson, French creek, care of William Miles, Oil creek; Samuel Graham, care of John Lowrey, near Venango.

Out-Lots near Pittsburgh.

PART of the Farm of the subscriber has been laid off into small Out Lots for the accommodation of such as may be desirous of purchasing. The excellent quality of the land is well known. A plan of the whole may be seen at FERREE'S Tavern in Pittsburgh, where sales will be made on the eighth of September next. The terms of sale will then be made known, and the title amply secured, by

James Patterson.

August 18, 1801.

Sheriff's Sales.

BY virtue of an alias writ of venditioni exponas from the Court of Common Pleas of Westmoreland county, to the Sheriff of said county directed, there will be exposed to Public Vendue at the Court House in Greensburgh, on the third Monday in September next, all the right, title, interest and estate which was of George Croghan, late of said county, deceased, in and to a Tract of Land lying in Allegheny county, on the bank of the Allegheny river, in the tenure of Samuel Ewalt, containing one hundred and eighty two acres, less or more, levied upon at the suit of Joseph Bloomfield, administrator de bonis non, &c. of William Humphrey, deceased, whose executors, &c. were William Allen, Andrew Allen, and Joseph Turner, deceased, and the said William Humphrey was executor, &c. of William M'Ilwain, dec. To be sold by

JOHN KUHNS, Sheriff.

August 10, 1801.

BLANKS.

Justices Summonses, Executions, &c. for sale at this Printing Office.

Holland Company Lands.

TO correct reports that are in circulation, and to prevent honest and well meaning people from being injured and imposed on by false representations, the Agents of the Holland Land Company have been advised to communicate to the public the situation and the amount of patents that have been issued for lands lying north and west of the rivers Ohio and Allegheny and Conewango creek, within the state of Pennsylvania—and if any persons require further evidence of the truth of this publication, than the Notarial Certificate annexed, by examining the books of record in the Rolls Office in Lancaster they will see the copy of each patent.

And that no doubts may remain of the validity of the titles and of the solid foundation upon which the patentees have secured their claims, the opinions of some of the most eminent lawyers in the state have been obtained, and are now made public for the information of all those who are desirous to purchase Lands in this rich and flourishing country, and for the satisfaction of all those who hold Lands under the Holland Company either by purchase or settlement.

The original papers from which this publication is made, are placed in the hands of Mr. ANTHONY BEELEN, of Pittsburgh, for the inspection of all who are desirous to see, and who will give themselves the trouble to examine them.

UNITED STATES OF AMERICA.

I, PETER LOHRA, Notary Public for the Commonwealth of Pennsylvania, residing in the city of Philadelphia, by lawful authority duly commissioned and sworn, Do hereby certify and attest unto all whom it doth or may concern, that on the day of the date hereof I went to the Office of Paul Busti, Esquire, Agent for the Holland Land Company, in the said city, and found therein deposited Eight Hundred and Seventy several original and genuine patents, for Eight Hundred and Seventy several Tracts of Land, surveyed by virtue of warrants issued in pursuance of the act of assembly of Pennsylvania of the third day of April, 1792, to William Willink, Nicholas Van Staphorst, Pieter Stadnitski, Christian Van Eeghen, Hendrick Volkenhofen, and Rutger Jan Schimmelpennink, of the city of Amsterdam, the said Lands being north and west of the Ohio and Allegheny rivers in Allegheny county, in Pennsylvania, and situated as follows, to wit—One Hundred and Nine Tracts in District No. 1, late Thomas Reese, deputy surveyor's—Two Hundred and Eighteen Tracts in District No. 2, late William Power, deputy surveyor's—Eighteen Tracts in District No. 3, late Thomas Stokeley, deputy surveyor's—Two Hundred and Fifty Seven Tracts in District No. 6, late Samuel Nicholson, deputy surveyor's—and Two Hundred and Sixty Eight Tracts in District No. 7, late Alexander M'Dowell, deputy surveyor's.

In Testimony whereof, I have hereunto set my hand and affixed my Notarial Seal, the seventeenth day of June, one thousand eight hundred and one.

PETER LOHRA, *Notary Public.*

CASE.

The Judges of the Supreme Court having decided at Nisi Prius that no settler or intruder, but the Commonwealth alone could take advantage of any forfeiture incurred by a warrantee of Lands west of the Allegheny, under the act of the 3d of April, 1792, and patents having issued in a number of instances to the Holland and Population Companies by order of the Board of Property, in pursuance of the proviso in the ninth section of that act: are not those patents conclusive on the Commonwealth, precluding all claim of forfeiture in such instances, and vesting complete title in the patentee?

ANSWER.

The Judges of the Supreme Court decided at Nisi Prius that no settler or intruder upon Lands west of the Allegheny could take advantage of any forfeiture that might be incurred by warrantees under the act of the 3d of April, 1792, and that such advantage could only be taken by the Commonwealth in the mode prescribed by the act.

It likewise appeared on the hearing of the motion for a mandamus, that patents had regularly issued in a number of instances to the Holland and Population Companies in conformity to the exposition given by the Board of Property to the ninth section of the act, and the proviso annexed to it.

We are of opinion—

1st. That even if there is a manifest forfeiture of the claim of a warrantee, the fact must be established and recognized by the state before any other person can lawfully make a settlement on the same land, or a second warrant can issue.

2d. That patents having been regularly granted to the Holland and Population Companies under the authority of the Board of Property without fraud or surprise, the patentees, their heirs and assigns cannot be affected by any subsequent difference in the construction of the law or any revocation of the order of the Board of Property.

(Signed) WILLIAM LEWIS,
EDWARD TILGHMAN,
JARED INGERSOLL,
A. J. DALLAS.

Philadelphia, June 10th, 1801.

FOR SALE.

A TRACT of LAND containing 400 acres on the waters of Pine creek, Pine township, Allegheny county, about 9 miles from Pittsburgh. There fifteen acres of cleared and a dwelling house on the Tract, and a soil not inferior to any in that part of the country. For terms apply to,

WILLIAM DUNNING.

Pittsburgh, December 22, 1800.

A variety of
BLANKS
For Sale at this Office.